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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,688	07/17/2003	Takashi Hanamoto	03500.017429.	9629
5514	7590	10/31/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			MENBERU, BENIYAM	
30 ROCKEFELLER PLAZA			ART UNIT	PAPER NUMBER
NEW YORK, NY 10112			2625	
MAIL DATE		DELIVERY MODE		
10/31/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/620,688	HANAMOTO, TAKASHI
	Examiner	Art Unit
	Beniyam Menberu	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 11-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 11, 12, 14, 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0122194 A1 to Kuwata et al in view of U.S. Patent No. 6774953 to Champion et al.

Regarding claim 11, Kuwata et al '194 discloses an image processing method comprising the steps of:

selecting a color space conversion condition from among plural color space conversion conditions, including first and second color space conversion conditions (page 4, paragraph 55, 67; sRGB or NTSC color space condition), in accordance with the determination result obtained in a determining step (page 3, paragraph 39, 40, 41, 42; "color space parameter" determines the color space used.); and

performing the color space conversion on the input image data, using the selected color space conversion condition (page 5, paragraph 67), wherein a second color space corresponding to the second color space conversion condition has a color gamut wider than a first color space corresponding to the first color space conversion condition (page 4, paragraph 55, lines 5-8; NTSC color space is the second color space and it is wider than the sRGB (first color space).).

However Kuwata et al '194 does not disclose determining whether or not input image data represents an image of a person as a subject of the image; and wherein, in a case where it is determined that the input image data represents the image of the person as the subject of the image, the second color space conversion condition is selected.

Champion et al '953 discloses determining whether or not input image data represents an image of a person as a subject of the image; and wherein, in a case where it is determined that the input image data represents the image of the person as the subject of the image, the second color space conversion condition is selected (column 4, lines 18-39; "Flesh tones" correspond to image containing a person. The larger color gamut of the laser system corresponds to the second color space. So for larger color gamut, color warping (second color space conversion condition) is selected.).

Kuwata et al '194 and Champion et al '953 are combinable because they are in the similar problem area of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the image processing of Champion et al '953 with the system of Kuwata et al '194 to implement color processing for images representing a person.

The motivation to combine the reference is clear because the system of Champion et al '953 corrects color data for larger gamut color space.

Regarding claim 12, Kuwata et al '194 in view of Champion et al '953 teaches all the limitations of claim 11. Further Kuwata et al '194 discloses an image processing method according to Claim 11, wherein a first color space is an sRGB color space (page 5, paragraph 67).

Regarding claim 14, Kuwata et al '194 in view of Champion et al '953 teaches all the limitations of claim 11. Further Kuwata et al '194 discloses an image processing method according to Claim 11, wherein said determining step is performed based on photographing mode information of the input image data (page 3, paragraph 40; "attribute information").

Regarding claim 18, Kuwata et al '194 in view of Champion et al '953 teaches all the limitations of claim 11. Further Kuwata et al '194 discloses an image processing method according to Claim 11, further comprising the step of performing an image correction on the image data that has been subjected to a color space conversion (page 5, paragraph 68; "gamma correction").

Regarding claim 19, see rejection of claim 11 as shown above.

Regarding claim 20 (page 2, paragraph 23), see also rejection of claim 11 as shown above.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0122194 A1 to Kuwata et al in view of U.S. Patent No. 6774953 to Champion et al further in view of U.S. Patent No. 6198553 to Yamamoto et al.

Regarding claim 13, Kuwata et al '194 in view of Champion et al '953 teaches all the limitations of claim 11. Further Kuwata et al '194 discloses that the sRGB data has 8 bits (page 4, paragraph 55, lines 8-9). However Kuwata et al '194 does not disclose that the second color space data (NTSC color space) has equal bit number as the first color space (sRGB) data.

Yamamoto et al '553 discloses that the other color space (NTSC) has 8 bits (column 19, lines 8-14).

Kuwata et al '194, Champion et al '953, and Yamamoto et al '553 are combinable because they are in the similar problem area of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the color space specification of Yamamoto et al '553 with the system of Kuwata et al '194 in view of Champion et al '953 to implement conversion to equal bit numbers for both color spaces.

The motivation to combine the reference is clear because the different color space data can both be outputted using the same 8-bit signal output.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0122194 A1 to Kuwata et al in view of U.S. Patent No. 6774953 to Champion et al further in view of U.S. Patent No. 6975437 to Takemoto.

Regarding claim 15, Kuwata et al '194 in view of Champion et al '953 teaches all the limitations of claim 11. However Kuwata et al '194 in view of Champion et al '953 does not disclose wherein said determining step is performed based on flash information of the input image data.

Takemoto '437 discloses wherein said determining step is performed based on flash information of the input image data (column 5, lines 50-57).

Kuwata et al '194, Champion et al '953, and Takemoto '437 are combinable because they are in the similar problem area of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the flash information of Takemoto '437 with the system of Kuwata et al '194 in view of Champion et al '953 to implement addition of flash information to image data.

The motivation to combine the reference is clear because the flash information is used to specify the right tone curve for the image system of Takemoto '437 (column 6, lines 3-12).

6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0122194 A1 to Kuwata et al in view of U.S. Patent No. 6774953 to Champion et al further in view of U.S. Patent No. 6629107 to Ouchi et al.

Regarding claim 16, Kuwata et al '194 in view of Champion et al '953 teaches all the limitations of claim 11. However Kuwata et al '194 in view of Champion et al '953 does not disclose an image processing method according to Claim 11, wherein said determining step is performed based on keyword information of the input image data.

Ouchi et al '107 disclose wherein said determining step is performed based on keyword information of the input image data (column 8, lines 10-14, 44-67; column 9, lines 1-16; The reference 10 extracts person name which is the keyword information of the input image data. The person name is associated with the face information.).

Kuwata et al '194, Champion et al '953, and Ouchi et al '107 are combinable because they are in the similar problem area of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the keyword information of image data as taught by Ouchi et al '107 with the system of Kuwata et al '194 in view of Champion et al '953 to implement image processing determination steps based on keywords of image data.

The motivation to combine the reference is clear because the system of Ouchi et al '107 can be used to provide a method for identifying personal objects in images (column 8, lines 44-65).

Regarding claim 17, Kuwata et al '194 in view of Champion et al '953 further in view of Ouchi et al '107 teaches all the limitations of claim 16. Further Ouchi et al '107 discloses an image processing method according to Claim 16, wherein a face recognition process is performed on the input image data (column 8, lines 65-67; column 9, lines 1-7;), and said determining step is performed based on a result of the face recognition process (column 9, lines 1-17; The person's name information is determined to be associated with the face information that was extracted.).

Other Prior Art Cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. US 2004/0012821 A1 to Nakajima discloses image processor.

U.S. Patent No. 6690822 to Chen et al disclose image detection system.

U.S. Patent No. 6801334 to Enomoto disclose printing of image processed data.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

BM

10/27/2007

AM
AUNG S. MOE
SUPERVISORY PATENT EXAMINER
10/27/07